REMARKS

In response to the Official Action dated November 29, 2001, the Applicant has amended the application. Claims 1, 10, 17, 18, 20, 21, 23, 24, and 26 have been amended. Claims 1 through 30 remain for further consideration.

Claims 1-3 and 5-9:

Claims 1-3 and 5-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Grube et al. (U.S. Patent No. 5,666,661) (hereinafter, "Grube"). Claim 1 has been amended to include the limitation that the second mobile radio terminal has the primary function of being a key to permit the generation of the control signal. Because Grube does not describe the use of a key to permit the generation of a control signal, and because none of the communication units described by Grube have the primary function of being such a key, claim 1 is no longer anticipated by Grube under 102(b). Because claims 2, 3, and 5-9 depend from claim 1, they are likewise no longer anticipated by Grube.

Claims 10-16 and 27-30:

Claims 10-16 and 27-30 are also rejected under 35 U.S.C. § 102(b) as being anticipated by Grube. Claim 10 has been amended to be an independent claim with the same scope as it had as a dependent claim prior to the present amendment. Therefore, the scopes of claims 10-16 and 27-30 are not affected by this amendment.

Claims 10 and 11 include the limitation that the comparing step includes comparing a current time with a preselect time. Because that limitation is not described by Grube, the claims are not anticipated. The Examiner suggests that the limitation is inherent in Grube, insofar as the method described in Grube can be repeated at intervals of a preselected time. However, Grube does not describe such a process of repetition or suggest that such repetition is necessary for the described method to function. Furthermore, such repetition would not

condition the generation of a control signal on the comparison of two times, as described in claims 10 and 11.

Claims 11-16 and 27-30 include the limitation that the comparing step includes comparing the locations of the mobile radio terminals with specific locations. Because that limitation is not described by Grube, the claims are not anticipated. The Examiner suggests (in his discussion of claims 5 and 6) that Grube includes the limitation insofar as Grube describes determining the geographic locations of the communication units and then determining the geographic separation of the units. However, Grube describes only determining the geographic separation of the units, not comparing the units' geographic locations to specific locations. Whether communication units are at specific locations would not be relevant to Grube's method of determining whether the units are close enough for effective direct communication.

Claims 13 and 27-30 also include the limitation that the locations of the mobile radio terminals are determined through monitoring by a location server. Because that limitation is not described by Grube, the claims are not anticipated. The Examiner suggests (in his discussion of claims 13 and 14) that because Grube describes base stations of a wireless communication system as handling the operation of the communication units, a location server within the communication resource controller is monitoring the units. However, Grube includes no suggestion that the communication resource controller determines the units' locations through such monitoring.

Claims 17, 18, 23, and 24:

Claims 17, 18, 23, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Grube in view of Lachance (U.S Patent No. 6,246,882) (hereinafter, "Lachance"). Claims 17 and 23 have been amended to include the limitation that either the first or the second mobile radio terminal has the primary function of being a key to permit the generation of the control signal. Because neither Grube nor Lachance describes the use of a key to

permit the generation of a control signal, and because none of the communication units described by Grube or Lachance have the primary function of being such a key, claims 17 and 23 are no longer unpatentable over Grube and Lachance under 103(a). Because claims 18 and 24 depend from claims 17 and 23 respectively, they are likewise no longer unpatentable over Grube and Lachance.

Claims 18 and 24 have been amended to replace the phrase "first mobile radio terminal" with the phrase "non-key mobile radio terminal," in order to bring them into conformity with the amended claims 17 and 23. The amendments to claims 18 and 24 are not intended to affect the scopes of the respective claims.

Claims 20-22 and 26:

Claims 20-22 and 26 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over Grube in view of Lachance. Claims 20, 21, and 26 have been amended to be independent claims with the same scope as they had as dependent claims prior to the present amendment. Therefore, the scopes of claims 20-22 and 26 are not affected by this amendment.

Claims 21 and 22 include the limitation that the comparing step includes comparing a current time with a preselect time. Because that limitation is not described by Grube or Lachance, the claims are not unpatentable for the reasons described above in connection with claims 10 and 11.

Claims 20, 22, and 26 include the limitation that the comparing step includes comparing the locations of the mobile radio terminals with specific locations. Because that limitation is not described by Grube or Lachance, the claims are not unpatentable for the reasons described above in connection with claims 11-16 and 27-30.

Claims 4, 19, and 25:

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Grube in view of Valentine et al. (WO 98/25433) (hereinafter, "Valentine"). Claims 19 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Grube in view of Lachance and Valentine. Claims 4, 19, and 25 include the limitation that the first mobile radio terminal is a mobile communication device and the second mobile radio terminal is a key which permits operation of the mobile communication device only when the key is within a specified distance from the mobile communication device. Furthermore, as claims depending from amended claims 1, 17, and 23, claims 4, 19, and 25 each include the additional limitation that the second mobile radio terminal's primary function is as a key. Because Grube, Lachance, and Valentine do not describe the use of a key to permit the operation of a mobile communication device, and because none of the mobile communication devices described by Grube, Lachance, or Valentine have the primary function of being such a key, claims 4, 19, and 25 are not unpatentable over Grube, Lachance, and Valentine under 103(a).

The Examiner suggests that claims 4, 19, and 25 are an obvious modification of Grube in light of Valentine, because Valentine discloses a method of restricting the operation of a mobile communication device by comparing the device's present location with prohibited locations stored in memory. However, to establish *prima facie* obviousness, the Examiner must demonstrate a motivation to combine the references. See MPEP § 2143.01. There is no motivation where the proposed modification would render the prior art unsatisfactory for its intended purpose. See id.

Grube describes a method by which multiple mobile communication devices can determine whether to switch from a cellular mode of communication to a direct mode of communication, with the purpose of permitting communication while limiting the usage of cellular system resources. Modifying Grube as suggested by the Examiner would require that at least one such mobile communication device function as a key to prevent at least one other such mobile communication device from operating, defeating the purpose of permitting

communication between the mobile communication devices. Because the Examiner's proposed modification would render Grube unsatisfactory for its intended purpose, no motivation to modify Grube exists.

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments and arguments.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein.

No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was a narrowing amendment made to distinguish over a specified reference or references.

A check to cover the cost of the additional independent claims added to the application is enclosed with this response. The Commissioner is hereby authorized to charge payment of any additional filing or application fees associated with this communication or credit any overpayment to Deposit Account No. 13-4365.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Applicant believes the foregoing amendments place the application in condition for allowance. Entry of the amendments and allowance of the application at an early date is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that claims 1-30 are now in condition for allowance. Reconsideration and withdrawal of the rejections is requested. Allowance of claims 1-30 at an early date is respectfully requested.

If the Examiner has any questions about the present Response or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 1 has been amended to read as follows:

1. A method of generating a control signal comprising the steps of:

determining the location of a first mobile radio terminal;

determining the location of a second mobile radio terminal;

comparing the locations of the terminals; and

generating a control signal based upon said comparison;[.]

wherein the second mobile radio terminal has the primary function of being a key to permit the generation of the control signal.

Claim 10 has been amended to read as follows:

10. A method of generating a control signal comprising the steps of:

determining the location of a first mobile radio terminal;

determining the location of a second mobile radio terminal;

comparing the locations of the terminals; and

generating a control signal based upon said comparison;

[The method of claim 1,]wherein the comparing step further comprises the step of comparing a current time with a preselect time.

Claim 17 has been amended to read as follows:

17. A method of generating a control signal comprising the steps of:

receiving, at a location server, an initiation signal from a first mobile radio terminal, said initiation signal including the location of the first mobile radio terminal;

transmitting, by the location server, a location query to a second mobile radio terminal;

reporting, by the second mobile radio terminal, the location of the second mobile radio terminal in response to the location query;

comparing, at the location server, the locations of the first and second mobile radio terminals; and

generating a control signal based upon said comparison;[.]

wherein either the first mobile radio terminal or the second mobile radio terminal has the primary function of being a key to permit the generation of the control signal.

Claim 18 has been amended to read as follows:

18. The method of claim 17, wherein the step of generating a control signal based upon said comparison comprises the step of transmitting, by the location server, a control signal activating the non-key[first] mobile radio terminal for use if the locations of the first and second mobile radio terminals are either within, or separated by, a specified distance.

Claim 20 has been amended to read as follows:

20. A method of generating a control signal comprising the steps of:

receiving, at a location server, an initiation signal from a first mobile radio terminal, said initiation signal including the location of the first mobile radio terminal;

transmitting, by the location server, a location query to a second mobile radio terminal;

reporting, by the second mobile radio terminal, the location of the second mobile radio terminal in response to the location query;

comparing, at the location server, the locations of the first and second mobile radio terminals; and

generating a control signal based upon said comparison;

[The method of claim 17,]wherein the step of generating a control signal based upon said comparison comprises the step of generating a control signal if the first mobile radio terminal is at a first specified location and the second mobile radio terminal is at a second specified location spatially separated from the first specified location.

Claim 21 has been amended to read as follows:

21. A method of generating a control signal comprising the steps of:

receiving, at a location server, an initiation signal from a first mobile radio terminal, said initiation signal including the location of the first mobile radio terminal;

transmitting, by the location server, a location query to a second mobile radio terminal;

reporting, by the second mobile radio terminal, the location of the second mobile radio terminal in response to the location query;

comparing, at the location server, the locations of the first and second mobile radio terminals; and

generating a control signal based upon said comparison;

[The method of claim 17,]wherein the comparing step further comprises the step of comparing, at the location server, a current time with a preselect time.

Claim 23 has been amended to read as follows:

23. A method of generating a control signal comprising the steps of:

receiving, at a location server, an initiation signal from a first mobile radio terminal;

transmitting, by the location server, a location query to the first mobile radio terminal and a second mobile radio terminal;

reporting, by the first and second mobile radio terminals, respective locations of the first and second mobile radio terminals in response to the location query;

comparing, at the location server, the received locations of the first and second mobile radio terminals; and

generating a control signal based upon said comparison;[.]

wherein either the first mobile radio terminal or the second mobile radio terminal has the primary function of being a key to permit the generation of the control signal.

Claim 24 has been amended to read as follows:

24. The method of claim 23, wherein the step of generating a control signal based upon said comparison comprises the step of transmitting, by the location server, a control signal activating the non-key[first] mobile radio terminal for use if the locations of the first and second mobile radio terminals are either within, or separated by, a specified distance.

Claim 26 has been amended to read as follows:

26. A method of generating a control signal comprising the steps of:

receiving, at a location server, an initiation signal from a first mobile radio terminal;

transmitting, by the location server, a location query to the first mobile radio terminal and a second mobile radio terminal;

reporting, by the first and second mobile radio terminals, respective locations of the first and second mobile radio terminals in response to the location query;

comparing, at the location server, the received locations of the first and second mobile radio terminals; and

generating a control signal based upon said comparison;

[The method of claim 23,]wherein the step of generating a control signal based upon said comparison comprises the step of generating a control signal if the first mobile radio terminal is at a first specified location and the second mobile radio terminal is at a second specified location spatially separated from the first specified location.